

REMARKS

I. STATUS OF THE CLAIMS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1 and 5-27 are pending in the present Application. The Office acknowledged applicant's withdrawal of claims 1, 5-20. Claims 21-23, and 27 are amended and claims 24-26 are canceled by way of the present amendment.

A. REJECTION(S) CITED BY EXAMINER UNDER 35 U.S.C. §§ 112, 102(b), 103(a)

In the outstanding Office Action, claims 21-27 were rejected under 35 U.S.C § 112, second paragraph, (hereinafter "Section 112"), as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention; claims 21 and 24-26 were rejected under 35 U.S.C. § 102(b), (hereinafter "Section 102(b)") as being anticipated by Elmer, 4,188,067; and claims 22, 23, and 27 were rejected under 35 U.S.C. § 103(a), (hereinafter "Section 103(a)") as being unpatentable over Elmer, in view of Grisley, 5,711,356.

In response to the rejection of claims 21-27 under Section 112, second paragraph, Applicant has amended claims 21 and 27 to eliminate the language found objectionable by the examiner. Accordingly, the rejection under Section 112, second paragraph, is believed to have been overcome. If, however the examiner disagrees, the examiner is invited to telephone the undersigned who will welcome working with the examiner in a joint effort to derive mutually satisfactory claim language.

Attention is now directed to the rejection of claim 21 as being anticipated by Elmer, and claims 22, 23, and 27 as being unpatentable over Elmer, in view of Grisley. Applicant respectfully submits that claims 21 and 27, as amended, are neither anticipated by nor obvious over the applied references.

Recapitulating briefly, amended claims 21 and 27 define "a plurality of four double locking mortise joints for a table having four table legs, each of said legs being independently and separately removable from every other of said legs, and a tabletop having four tabletop

edges, each of said joints comprising one first mortise on each of said legs” and “one second mortise on each of said tabletop edges of said tabletop.”

The applied Elmer reference clearly illustrates “a chair of knock-down construction, comprising: two legs” [underlining added for emphasis] (Elmer 4,188,067 claim 1, lines 52-53). Applicant considers that the joint illustrated but not claimed in the Elmer reference is intended and only suitable for a chair comprising two legs, a back, and a seat in locked engagement with legs and back. (See Elmer claim 1). It is Applicant’s view that it can be readily appreciated from a perusal of Figures 1, 4, and 5 that the Elmer reference is only configured for use with a chair and has no applicability for use with a table.

In contrast Applicant’s invention is “a plurality of four double locking mortise joints for a table having four table legs, each of said legs being independently and separately removable from every other of said legs, and a tabletop having four tabletop edges.” In addition, amended claims 21 and 27 require that the “tabletop is supported and stabilized by each of said joints without any further supporting structural members or connections existing below a horizontal plane which lies at a joining of said one first mortise and said one second mortise”. Whereas Elmer teaches a “cross-support, extending between the legs, in locked engagement with each of the legs.” (Elmer Col.1, lines 56-59; *See* also Fig. 4). Applicant’s claimed four mortise joints used in combination with each other provide supreme durability and stability not found in the applied references.

Thus, in view of the very nature of Applicant’s invention relative to that taught by Elmer, it is respectfully submitted that Elmer clearly does not serve to teach a person skilled in the art how to provide “a plurality of four double locking mortise joints for a table having four table legs, each of said legs being independently and separately removable from every other of said legs, and a tabletop having four tabletop edges, each of said joints comprising one first mortise on each of said legs” and “one second mortise on each of said tabletop edges of said tabletop.”

Applicant’s invention as recited in amended claims 21 and 27 is believed to be patentably distinct over Elmer, and the deficiencies of Elmer are not believed to be remedied by the secondary references applied in the outstanding grounds for rejection of the dependent claims. Therefore, the references of Elmer and Grisley when considered alone or in proper combination, are not believed to anticipate or make obvious the combination of features


defined by amended claims 21 and 27. Amended claims 21 and 27 are therefore believed to be patently distinct over the applied references. Since amended claims 22 and 23 depend directly from amended claim 21, it is also submitted that amended claims 22-23 are patently distinct over the applied references.

II. CONCLUSION

In view of the foregoing discussion, no further issues are believed to be outstanding in the present application. The above-discussed amendments and remarks are believed to place the present Application in condition for allowance. Should the examiner have any questions regarding the above amendments, the examiner is requested to telephone Applicant's representative at the number listed below.

Respectfully submitted,

Date: 12/19/05



Otto O. Lee (Reg. No.: 37,871)
Juneke Jackson (Reg. No.: 48,870)
Marie G. Capuyan (Reg. No.: 52,695)
Intellectual Property Law Group LLP
Attorneys for Applicant

Atty Docket No.: WEAVER.PT1
Contact No.: 408-286-8933